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Presented by the ADV Bajpai

5/12/06

C.F. 100/-

(2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG)

WRIT PETITION (S) NO. 6969 /2006

PETITIONER — Dinesh Prasad Sharma, aged about 42 years, son of Shri Jaisharan Prasad Sharma, Assistant Teacher, Government Middle School, Bansbahar, Vikas Khand Kansabel, Tahsil Bagicha, District Jashpur (Chhattisgarh)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through – Secretary, Department of School Education, Dau Kalyan Singh Bhawan, Raipur (C.G.)

2. The District Education Officer, Jashpur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA,

(20)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.6962 OF 2006

Petitioners	:	Shubhash Chandra Verma and others
	versus	
Respondents	:	State of Chhattisgarh and others

WRIT PETITION (S.) NO.6967 OF 2006

Petitioners	:	Smt. Jyoteshwari Rao and another
	versus	
Respondents	:	State of Chhattisgarh and others

WRIT PETITION (S.) NO.6968 OF 2006

Petitioners	:	Kumari Rampyari Dheewar and another
	versus	
Respondents	:	State of Chhattisgarh and another

WRIT PETITION (S.) NO.6969 OF 2006

Petitioner	:	Dinesh Prasad Sharma
	versus	
Respondents	:	State of Chhattisgarh and another

WRIT PETITION (S.) NO.6970 OF 2006

Petitioner : Kamil Tirky

versus

Respondents : State of Chhattisgarh and another

WRIT PETITION (S.) NO.6971 OF 2006

Petitioner : Bal Chand Sahu

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.6979 OF 2006

Petitioner : Maniram Sahu

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.6980 OF 2006

Petitioners : Pranadhar Lahare and others

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.6981 OF 2006

Petitioners : Sunder Lal Sonwani and others

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.6982 OF 2006

Petitioners : Narottam Patel and others

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.6983 OF 2006

Petitioners : Ramkrishna Sahu and others

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.6984 OF 2006

Petitioners : Kaushal Prasad Patel and others

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.6985 OF 2006

Petitioners : Yogesh Patel and another

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Anil Singh Rajput, Mr. A.N.Bhakta, Mr. O.P.Sahu and Mr. Anil Mourya, counsel for the petitioner(s).
Mr. Arun Sao, Government Advocate and Ms. Sunita Jain, Panel Lawyer for the State/respondents.

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ORDER
(Passed on 14th Day of December, 2006)

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No.1452 of 1998 (*Harish Chand Singh and others vs. State of M.P. and others*) dated 31-1-2000, Original Application No.802 of 1998 (*Akhilesh Mishra and others vs. State of Madhya Pradesh and others*) and Original Application No.991 of 1998 (*Ramayan Prasad Dwivedi and others vs. State of M.P. and others*).

2. Learned counsel appearing for the petitioners placed on record a copy of the order dated 3-10-2006 passed by this Court in Writ Petition (S.) No.5191 of 2006 (*Har Prasad Kurre and others* vs. *State of Chhattisgarh and others*) and submit that the petitioners are similarly situated, therefore, the similar order may be passed.

3. The present batch of writ petitions are being disposed of by this common order as the facts and question of law involved in these petitions are common.

4. The cases of the petitioners are that they were appointed as Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioners were regularized,

but, they were not given the regular pay-scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal, vide order dated 31-1-2000, allowed the same. The petitioners made several representations to accord the same treatment as they are also similarly situated teacher, but, the respondents have not paid any heed. Thus, this petition.

5. Learned counsel appearing for the petitioners submit that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and the same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31-1-2000, to which learned counsel appearing for the State/respondents have no objection.

6. Having heard learned counsel appearing for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to respondent No.1, raising all their grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31-1-2000 passed by the learned State Administrative Tribunal in Original Application No.1452 of 1998, and if the petitioners stand on the same footings, as the

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petitioners in the Original Application No.1452 of 1998, then they be also sanctioned the same pay-scale and seniority.

7. The writ petitions are accordingly disposed of with the aforesaid direction. No order as to costs.

8. A copy of this order be placed on the record of the connected writ petitions.

Sd/-
Satish K. Agnihotri
Judge

Gopal